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Fiftieth year

Letter dated 12 January 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the letter dated 12 January 1995 from the President of the Republic of Croatia, Dr. Franjo Tudjman, addressed to you.

I would kindly request your assistance in distributing the present letter and its annex as a document of the fiftieth session of the General Assembly, under the agenda item entitled "The situation in the occupied territories of Croatia", and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

ANNEX

Letter dated 12 January 1995 from the President of the Republic of Croatia to the Secretary-General

The ongoing crisis in south-eastern Europe, started by the aggression of the Yugoslav Communist Army and of Serbia and Montenegro, following the dissolution of the former Socialist Federal Republic of Yugoslavia, against Croatia and Bosnia and Herzegovina, has become a grave security threat to the whole region. In its progress the crisis has disrupted international peace and paralysed numerous international forums: the United Nations, the European Union, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization, and so forth. The unspeakable crimes committed against humanity and the great suffering of millions of people have been putting an ever-increasing strain on international institutions and humanitarian organizations.

The international community, including the United Nations, has been involved in attempts to resolve the crisis from its outbreak. The Vance Plan and the mission of the United Nations Protection Force (UNPROFOR) had positive effects on the situation in the beginning. UNPROFOR and the Office of the United Nations High Commissioner for Refugees (UNHCR), as well as other humanitarian organizations, have made significant contributions in respect of humanitarian needs in Croatia. UNPROFOR played an important role in the withdrawal of the Yugoslav People's Army (JNA) from Croatia (although on that occasion JNA left its armament to the local Serb insurgents). UNPROFOR's arrival signified an end to large-scale hostilities in Croatia. During its engagement more than 50 of its members have lost their lives and more than 500 have been wounded while valiantly carrying out their duties in Croatia. Croatia will always remain grateful and will remember their ultimate sacrifice and the loss to their families.

Despite its endeavours, UNPROFOR has been unable to implement the most important operative provisions of the Vance Plan and subsequent Security Council resolutions, including the latest, resolution 947 (1994). The key provisions of the Vance Plan (resolution 740 (1992), preceded by resolution 721 (1991)) included: the demilitarization of the United Nations Protected Areas (UNPAs) (i.e. disarming and disbanding of rebel Serb units); the establishment of the local police force (with only side-arms) in a proportion reflecting the national composition of the population which lived there before the hostilities, under civilian United Nations police monitors; the deployment of military observers in parts of Bosnia and Herzegovina adjacent to Croatia; and the return of displaced persons to their homes. None of these provisions have been implemented. Moreover, a critically important element of the peace process, the control of Croatia's international border, provided for by resolution 769 (1992), has not been enforced.

As the previous mandate of UNPROFOR was about to expire, you came to the conclusion, in your report to the Security Council of 17 September 1994 (S/1994/1067), that the Vance Plan and all subsequent resolutions had not been implemented because of the opposition of rebel Serbs in UNPAs, with the

exception that (notwithstanding frequent violations) armed hostilities had ceased. You further concluded that UNPROFOR was in no position to discharge its responsibilities and meet the demands justifiably made by Croatia, because it lacked the required forces and resources, and that such a stalemate contributed to sustaining the unsatisfactory status quo.

The situation has not changed at all since then. The responsibility still rests with the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and its proxies in the occupied territories of Croatia. The Belgrade Government and the local Serb authorities in Knin have accepted only some minor provisions of the Security Council resolutions. They continue to reject any decisive measures outlined by the Security Council and the General Assembly aimed at reintegrating the occupied territories into Croatia. On the contrary, the process of integrating the occupied territories of Croatia into the political, military, legal and administrative system of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues despite General Assembly resolution 49/43 of 9 December 1994 declaring that the UNPAs are de facto occupied territories of the Republic of Croatia.

In the two years of the presence of UNPROFOR in Croatia, the process of ethnic cleansing of the Croats and non-Serbs in the occupied territories has been completed. Before the arrival of UNPROFOR, Serb insurgents, aided by JNA, expelled (ethnically cleansed) from the occupied Territories 390,000 non-Serb residents (Croats, Hungarians, Ruthenians, Czechs, Slovaks, etc.) and killed many thousands at the same time. Some 600 Croats have been killed and 12,000 of them forcefully expelled since UNPROFOR has been entrusted with protection of these territories. Plunder of Croatian wealth and natural resources, as well as destruction of property, have continued. Moreover, the occupied territories of Croatia have been used for constant attacks on other parts of Croatia and even Bosnia and Herzegovina. The international community has recently been aghast and scandalized when the United Nations Safe Area of Bihać in neighbouring Bosnia and Herzegovina has been, unchallenged, attacked by Serb insurgents from UNPAs. These attacks by the UNPA Serbian forces continue even today, despite the general cease-fire agreement in Bosnia and Herzegovina, in gross violation of all international norms.

Croatia has demonstrated and exercised the highest degree of goodwill, cooperation and restraint during the past two difficult years. Croatia has even accepted considerable modifications to the Vance Plan, such as the establishment of the "pink zones" and the "blue lines", the latter being an element of the Zagreb Cease-fire Agreement of 29 March 1994, which has been grossly violated, most blatantly so through the coordinated offensive and aggression on Bihać by the Serbs from the occupied territories of Croatia.

The Economic Agreements signed on 2 December 1994, which have to be viewed as yet another clear proof of Croatia's full readiness to proceed with its programme of peaceful reintegration of the occupied territories, are not being implemented except with respect to the opening of the highway in UNPA West, but even that has not been done pursuant to the Agreement. Less than one tenth of these Agreements have been implemented so far, with rather slim chances for real further progress, because local Serbs are interpreting the resolutions and

decisions of the United Nations, and the Economic Agreements, as allowing them to secede from Croatia.

Croatia finds the present situation in the occupied territories wholly unacceptable. Moreover, given the present inefficient UNPROFOR mission, Croatia finds the continued presence of UNPROFOR in the occupied territories to be significantly counterproductive to the peace process. The Serb intransigence and UNPROFOR's reserve are de facto allowing and promoting occupation of parts of Croatia's territory. The "freezing" of a negative status quo is unacceptable to the Government of Croatia.

The Parliament of the Republic of Croatia, by its resolution of 23 September 1994, decided that the mandate of UNPROFOR in Croatia would be conditionally extended for a period of 100 days, following its expiration on 30 September, only if specific steps were undertaken and results achieved during that period.

On the basis of the aforementioned and Croatia's overall experience during the past two years, I can only conclude that, although UNPROFOR has played an important role in stopping violence and major conflicts in Croatia, it is an indisputable fact that the present character of the UNPROFOR mission does not provide conditions necessary for establishing lasting peace and order in the Republic of Croatia, a sovereign State Member of the United Nations.

Therefore, as the President of the Republic of Croatia, I have the honour to inform you that the UNPROFOR mandate is hereby terminated effective 31 March 1995 in accordance with Security Council resolution 947 (1994).

The Government of Croatia will immediately contact your Special Representative, Mr. Y. Akashi, and will discuss with him all the questions regarding the withdrawal of UNPROFOR forces. We hope it will be accomplished in a dignified, proper and efficient way till the end of the mandate or no later than three months after the expiry of the mandate.

Croatia is also prepared to conclude with the United Nations an agreement on continued logistic assistance and support for UNPROFOR operations in the Republic of Bosnia and Herzegovina, including the continued and uninterrupted functioning of the UNPROFOR headquarters in Zagreb. In both aspects the United Nations can fully count and rely on the continued support and assistance of the appropriate Croatian governmental institutions.

The termination of the UNPROFOR mandate will not put an end to the negotiations; on the contrary, it should provide a new impetus for their more efficient outcome. The Republic of Croatia remains committed to its long-standing policy of peaceful reintegration of its occupied territories and continues to offer to all Serbs in Croatia cultural autonomy and the highest level of local autonomy in the counties in which the Serbs constituted the majority according to the pre-war census. Full respect of all human rights, and especially minority rights, can be observed and monitored by appropriate representatives of the international community.

Croatia is also prepared to intensify the negotiating process with the Belgrade authorities leading to mutual recognition within internationally recognized borders. It is, however, our most determined demand that the sanctions against the Belgrade regime and Bosnian Serbs should not be suspended before the recognition of Croatia within its internationally recognized borders by Belgrade, as a prerequisite for the peaceful reintegration of occupied parts of Croatia.

Should the negotiations with local Serb authorities be successful, Croatia is willing to reopen the discussion on establishing appropriate implementation and international monitoring of confidence-building mechanisms.

The Republic of Croatia remains deeply grateful and indebted to the thousands of UNPROFOR men and women who have served honourably in Croatia, to you, to the Security Council, to the many UNPROFOR troop-contributing countries and to all Member States that have financed and supported the present peace-keeping operation in Croatia.

Our decision should not be misunderstood under any circumstances. Croatia remains fully committed to the interests of the international community focused on peaceful establishment of a new international order in the region, and to its responsibility therein. The international community should continue to count on Croatia in this regard.

(Signed) Franjo TUDJMAN
President of the Republic of Croatia